

## REMARKS

### I. Introduction

In response to the Office Action dated February 25, 2008, claims 1, 11 and 17 have been amended, and new claims 21-26 have been added. Claims 1-23 remain in the application. Re-examination and re-consideration of the application, as amended, is requested.

### II. Claim Amendments

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for purposes of patentability.

### III. Specification Amendments

The Applicants have amended the specification to complete the prior disclosure by rendering explicit what was implicitly disclosed in the specification as originally filed. See In re Wright, 343 F.2d 761, 767m 145 U.S.P.Q. 182, 188 (CCPA 1965). Specifically, the specification has been amended to recite that the general purpose computer includes a coupled display (paragraph [0018] and that the results are presented to the user on the display (paragraph [0030]). Since these features were suggested by the application as originally filed (general purpose computers were known to include displays and the specification, as filed, describes presenting histograms), these amendments do not represent new matter.

### IV. Office Action Subject Matter Rejection

In paragraphs, the Office Action rejects claims 1-20 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Applicants have amended claims 1, 11, and 17 to recite statutory subject matter.

The claimed invention has the practical application of performing statistical analysis, and that practical application is in the technological art. The claimed invention is not a computer program *per se* nor is it a data structure, a natural phenomenon, nor is it non-functional descriptive material.

Therefore, under the guidelines, the Applicant's claim is statutory if the claim recites (1) post-computer process activity, (2) pre-computer process activity, or (3) a practical application in the technological arts. Post-computer activity relates to physical acts performed outside of the computer independent of and following the steps to be performed by the computer. Pre-computer process activity category requires that measurements of physical objects or activities be transformed outside of the computer into computer data, where the data comprises signals corresponding to physical objects or activities external to the computer system, and where the process causes a physical transformation of the signals which are intangible representations of the physical objects or activities.

A. Claims 1, 11 and 17 Recite Patentable Subject Matter

Claims 1, 11 and 17 have been amended to recite presenting the output on a display for the significant and practical use of statistical analysis. These claims thus recite post-computer activity and according to the guidelines (Section IV.B.2(d)(iii)), represent statutory subject matter.

B. Claims 21-23 Recite Patentable Subject Matter

Claims 21-23 recite the features of claims 1, 11 and 17, respectively, and are patentable on this basis. Claims 21-23 further recite a practical application of the technical arts, namely a statistical analysis of satellite service availability. Hence, claims 21-23 are patentable on this additional basis as well.

C. Claims 24-26 Recite Patentable Subject Matter

Claims 24-26 recite the features of claims 1, 11 and 17, respectively, and are patentable on this basis. Claims 21-23 further recite pre-computer process activity, namely that the set of numbers recited in claims 1, 11, and 17, respectively, are generated from a Monte Carlo simulation of physical objects or activities in the form of satellite services. Hence, claims 24-26 are patentable on this basis as well.

Applicants believe that the claims currently describe statutory subject matter. Should issues still remain in this regard, the Applicants requests that the Examiner indicate how the rejection can

be overcome and how problems may be resolved, in accordance with the directives of the Examination Guidelines for Computer-Related Inventions. See Guidelines II M.P.E.P. § 2106. Specifically, should it be necessary, the Applicants request that the Examiner identify features of the invention that would render the claimed subject matter statutory if recited in the claim. See Guidelines IV, M.P.E.P. § 2106.

V. Dependent Claims

Dependent claims 2-10, 12-16, and 18-26 incorporate the limitations of their related independent claims, and are therefore patentable on this basis. In addition, these claims recite novel elements even more remote from the cited references. Accordingly, the Applicant respectfully requests that these claims be allowed as well.

VI. New Claims

New claims 21-26 are presented for the first time in this Amendment. For the reasons described above, new claims 21-26 are patentable over the prior art of record, and the Applicant respectfully requests the allowance of these claims as well.

VII. Conclusion

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

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